IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

Criminal Application No.2694 of 2007

KKrishna M.A. Raihany. .. .. Petitioner

v/s.

Union of India & anr. .. .. Respondents

Ms.Adenwala for Petitioner.

Mr.D.N. Salvi for Respondent No.1-UOI

Mrs.Aruna Pai for Respondent No.2-State.

CORAM : DR.S. RADHAKRISHNAN &

SMT.ROSHAN DALVI, JJ.

Dated : 16th August, 2007

P.C. :

1. Heard the learned Counsel for the Petitioner and the learned Counsel for the Union of India as also the APP for the State.

2. We have perused the recent letter dated 13th August 2007 written by the Protection Officer that a representative from India Center for Human Rights Law, will be meeting in order to gather preliminary information needed by their office to

enable them to decide the refugee status of the Petitioner.

3. It is made clear that the concerned Protection Officer, United Nations High Commissioner for Refugees shall determine whether the Petitioner should be given refugee status or not and if the refugee status were to be granted, then also determine to which country the Petitioner should be sent.

4. The learned Counsel for the Petitioner states that the interview will be taking place on 18th August 2007. As per our earlier order dated 10th August 2007, the Petitioner's Advocate will be allowed to remain present for the interview taking place at Immigration Cell of the Sahara Airport in the presence of their officer to enable United National High Commissioner to decide the refugee status. Petitioner's Advocate will meet the Petitioner with prior intimation to the concerned Authority. Representative of the said Agency will be allowed to meet the Petitioner at the Immigration Cell of Sahara Airport between 10 a.m. and 6 p.m. The said

interview shall be conducted between 10 a.m. and 6 p.m. Apart from the meeting fixed on 18th August 2007, all other meetings shall be fixed with prior intimation to the Respondents.

5. It is also made clear that during the aforesaid period, the Petitioner will remain in Respondent's custody at Immigration Cell of the Sahara Airport, until further orders.

6. The learned Counsel for the Respondents states that till 6th of September 2007, the Petitioner will not deported.

7. The Petitioner shall file a proper Petition before this Court on or before 22nd August 2007 and serve a copy of the same on the other side.

8. The entire exercise shall be completed by the United Nations High Commissioner for Refugees on or before 5th of September 2007.

9. Place the matter on Board on **6th of September 2007 before the regular Bench**.

10. The above Criminal Application stands disposed of

accordingly.

(DR.S. RADHAKRISHNAN, J.)

(ROSHAN DALVI, J.)